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## SENATE BILL No. 304

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 36-9-27.

**Synopsis:** Drain maintenance fund. Provides that a municipal or sanitary district drain maintenance fund is established for a drain that is subject to assessments for periodic maintenance and repair if the county drainage board transfers jurisdiction over the drain to a municipality or a sanitary district. Provides that the municipality or sanitary district to which jurisdiction over a drain is transferred has, with respect to that drain, the same right of entry and right-of-way powers regarding private land as the county surveyor or the drainage board.

**Effective:** July 1, 2003.

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January 15, 2003, read first time and referred to Committee on Environmental Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE BILL No. 304

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 36-9-27-20.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2003]: **Sec. 20.5. (a) A municipal or sanitary**  
4 **district drain maintenance fund is established for each drain:**

5           **(1) that is subject to assessments by the board for periodic**  
6 **maintenance and repair; and**

7           **(2) jurisdiction over which is transferred by the board to a**  
8 **municipality or sanitary district under section 20 of this**  
9 **chapter.**

10       **(b) On or after the date the board transfers jurisdiction over a**  
11 **drain to the municipality or sanitary district, the county treasurer**  
12 **shall transfer the following to the municipal or sanitary district**  
13 **drain maintenance fund established under this section:**

14           **(1) The balance of the maintenance fund established under**  
15 **section 44 of this chapter.**

16           **(2) Except as provided in subsection (c), any assessments for**  
17 **periodic maintenance of the drain that:**



1 (A) were imposed before the date on which the board  
2 transfers jurisdiction of the drain; and

3 (B) are collected after the date on which the board  
4 transfers jurisdiction of the drain.

5 (c) If payment for maintenance work for a drain was made from  
6 the general drain improvement fund under section 45 of this  
7 chapter, the county treasurer shall transfer all or part of the  
8 assessment described in subsection (b)(2) to the general drain  
9 improvement fund to reimburse the fund for all or part of the cost  
10 of the maintenance work.

11 (d) The expenses of a municipal or sanitary district drain  
12 maintenance fund established by subsection (a) shall be paid from  
13 the fund. The municipality or sanitary district to which jurisdiction  
14 over a drain is transferred shall deposit money in the fund  
15 established for the drain under subsection (a) in accordance with  
16 IC 5-13-6. Any interest earned by the fund shall be credited to the  
17 fund. Any balance remaining in the fund at the end of a fiscal year  
18 shall be carried over in the fund for the following fiscal year.

19 (e) A municipal or sanitary district drain maintenance fund  
20 established under subsection (a) is subject to the use of the  
21 municipality or the sanitary district for the necessary or proper  
22 repair, maintenance, study, or evaluation of the particular drain or  
23 combination of drains for which the fund was established whenever  
24 the municipality or sanitary district finds that it is necessary.  
25 Except as provided in subsection (f), payment for all the  
26 maintenance work for a drain or combination drains shall be made  
27 out of the municipal or sanitary district drain maintenance fund  
28 established for the drain or combination of drains under subsection  
29 (a).

30 (f) If the balance of a maintenance fund is not sufficient to pay  
31 for all of the maintenance work, the municipality or sanitary  
32 district shall pay for any deficiency from the funds used by the  
33 municipality or the sanitary district to pay for maintenance work  
34 on drains that are not subject to a municipal or sanitary district  
35 maintenance fund. A drain maintenance fund shall close upon  
36 payment of all money in the fund.

37 (g) If the amount of funds on deposit in a municipal or sanitary  
38 district drain maintenance fund is less than five hundred dollars  
39 (\$500), the balance of the municipal or sanitary district drain  
40 maintenance fund may be transferred to the fund used by the  
41 municipality or the sanitary district to pay for maintenance work  
42 on drains that are not subject to a municipal or sanitary district

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1     **maintenance fund, and the drain maintenance fund shall be closed.**  
2     SECTION 2. IC 36-9-27-20.6 IS ADDED TO THE INDIANA  
3     CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4     [EFFECTIVE JULY 1, 2003]: **Sec. 20.6. If jurisdiction over a drain**  
5     **is transferred by the board to a municipality or sanitary district**  
6     **under section 20 of this chapter, the municipality or sanitary**  
7     **district has, with respect to that drain, the same right of entry and**  
8     **right-of-way powers over and upon private land that are given to**  
9     **the county surveyor or drainage board under section 33 of this**  
10    **chapter.**

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